

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TAMMIE DAVIS, an individual, on behalf of
herself and all others similarly situated,

Plaintiff,

v.

COLE HAAN, INC., and DOES 1 through 50,
inclusive,

Defendants.

No. C 11-01826 JSW

**ORDER REQUIRING FURTHER
BRIEFING**

Now before the Court is the motion for preliminary approval of the class action settlement filed by Plaintiffs. The Court has some questions that were not addressed by the parties' papers in support of this motion. The Court notes that defendant Cole Haan, erroneously sued as Cole Haan, Inc. ("Defendant") will send out notice to all purported class members for whom Defendant has an email or mailing address. However, the parties do not state how many email or mailing addresses they have for the purported class members.

Moreover, the parties do not appear to propose any method of providing notice to the purported class members for whom they do not have an email or mailing address. Although the parties intend to create an internet website, purported class members would only learn about this website if they receive notice through email or mail. In light of the fact that all class members who do not opt out will be a part of the class and would release their claims against Defendant, the Court is concerned that the absence of any notice to such purported class members would not satisfy Due Process concerns. Accordingly, the Court HEREBY ORDERS

1 the parties to submit additional briefing to address these notice concerns. The additional
2 briefing shall be filed by no later than 10:00 a.m. on May 20, 2013.

3 **IT IS SO ORDERED.**

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5 Dated: May 13, 2013


JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE